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May 26, 2023

BY ECF

Honorable Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Payamps v. City of New York, et al.
22-CV-00563 (AMD) (VMS)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney representing defendants the City of New York ("City"), Mayor Bill de Blasio, Commissioner Dermot Shea, NYPD Chief of Department Terence Monahan, Police Officer Daniel Auguste, Police Officer Corey Johnson, and Inspector Jesse Lance (collectively "defendants") in the above-referenced matter. Defendants write pursuant to the Court's Order, dated May 25, 2023, ordering defendants to inform the Court, on or before May 26, 2023, of the status of the outstanding items of discovery that were raised at the April 11, 2023 Court Conference. What follows is defendants' response to Your Honor's Order dated May 25, 2023:

Interviews of the officers identified by the CCRB.

Pursuant to Your Honor's Order, defendants were ordered to inform the Court if they have completed interviewing officers identified by the CCRB as witnesses to plaintiff's arrest on June 4, 2020. On May 25, 2023, Defendants completed interviews of all officers identified by the CCRB as witnesses. To date, defendants have interviewed 24 officers in an effort to identify John Doe Defendants involved in plaintiff's arrest. Although the CCRB identified six (6) subject officers and seventeen (17) witness officers, defendants were also able to identify an additional officer

previously unidentified by the CCRB and already produced that information to plaintiff on May 19, 2023.


Information as to the CCRB and IAB files relating to this incident.

Pursuant to Your Honor's Order, defendants were to inform the Court of the date by which they are able to make the CCRB files available to Plaintiff's counsel for review for the limited identification purpose. Defendants were further ordered to inform the Court as to a date by which Defendants will produce a copy of the files to Plaintiff's Counsel. Defendants state that they can make the CCRB files available to Plaintiff's counsel for review beginning on Tuesday, May 30, 2023 at the Office of the Corporation Counsel subject to an "attorneys' eyes only" designation, with production of the same no later than June 9, 2023.

Defendants were also to inform the Court, pursuant to Your Honor's Order, of whether we have received any outstanding IAB files. In response, Defendants state that they have received all relevant files previously identified as having been investigated internally by the NYPD. As a clarification, pursuant to the Court's Order dated April 11, 2023, defendants requested the investigations/cases that relate to the protest that forms the basis for plaintiff's Complaint. Pursuant to Defendants' request, thirteen internal investigations by the NYPD were identified and at this point, defendants are in possession of all the files with exception of one identified as "21-15908/CC21-1030 -CCRB." The format referenced in this file name is as follows: Internal Affairs log number / case file number / investigating unit. Based on the "CCRB" designation at the end of the file name, it is believed that this references an investigation handled by the CCRB. Defendants already have in their possession all CCRB case files related to the June 4, 2020 protest and presumably the CCRB case file identified by IAB is included in what was produced to our Office by the CCRB. However, Defendants are still in the process of trying to ascertain exactly which investigation, or case file, the CCRB investigation is referring to. Defendants will inform counsel as soon as this information is ascertained. With respect to the case files identified as having been investigated by the NYPD, Defendants state that they can make the same available to Plaintiff's counsel for review beginning on Tuesday, May 30, 2023 at the Office of the Corporation Counsel subject to an "attorneys' eyes only" designation, with production of the same no later than June 9, 2023.

Defendants' Response to Plaintiff's Requests for Admission dated April 18, 2023.

Pursuant to your Honor's Order, defendants were to respond on or before May 25, 2023 to plaintiff's requests for admission dated April 18, 2023. On May 25, 2023, defendants responded to plaintiff's requests for admission by filing a motion for protective order. (See ECF No. 54).

By: 
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Senior Counsel

cc: **By ECF**

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